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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,402	11/21/2001	William K. Slate II	AAA-003	3669
1473	7590	11/30/2006	EXAMINER AUGUSTIN, EVENS J	
FISH & NEAVE IP GROUP ROPES & GRAY LLP 1251 AVENUE OF THE AMERICAS FL C3 NEW YORK, NY 10020-1105			ART UNIT 3621	PAPER NUMBER

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,402

Applicant(s)

SLATE ET AL.

Examiner

Evans Augustin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/14/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44, 60-103 and 119-162 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44, 60-103 and 119-162 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Status of Claims

1. Claims 1-44, 60-103, and 119-162 have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12, 15-44, 60-71, 47-103, and 119-130 and 133-162 are rejected under 35 U.S.C. 102(e) as being anticipated by Israel et al. (U.S 6,766,307).

The USPTO is interpreting users as clients, which are computers on a network.

Applicant is reminded that if the user encompasses a human being, as previously noted by applicant, then a rejection under 35 U.S.C. 101 will be made indicating that the claimed invention is directed to nonstatutory subject matter.

As per claims 1-12, 15-44, 60-71, 47-103, and 119-130 and 133-162, Israel et al. discloses a system and method for providing dispute resolution management. The system utilizes software packages (application) (column 28, lines 39-50), and hardware combination (column 8, lines 48-57) for input (keyboard) and display (monitor), as resources to achieve its desired results. The system can:

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- Receive dispute resolution management request from users (column 2, line 44)
- Provide the options/features of the dispute resolution management from users (column 3, lines 26-30)
- A case manager can take advantage of a full range of non-judicial dispute resolution techniques and have the ability to fully manage the case in each, and in all, of the different procedures selected (column 5, lines 60-63)
- Manage the dispute resolution management techniques/process (column 5, lines 59-63)
- Computer system that offers dispute resolution through a third party mediator/arbitrator (column 19, lines 1-29), different from the disputing parties. The system guides the disputing parties through the process by allowing them to move seamlessly and uninterrupted through the process (column 19, lines 34-37)
- The system guides the disputing parties through the process by allowing them to move seamlessly and uninterrupted through the process (column 19, lines 34-37)
- Receive indication of a selected neutral or third party i.e., mediator or arbitrator (column 19, lines 2-8)
- Allow third party to facilitate the dispute management process (column 19, lines 16-17)
- Have users as plaintiffs/claimants or defendants/respondents (column 4, line 42)
- Provide users with means to input registration data. This is equivalent to completing an on-line application form (column 9, lines 20-25)
- Receive request for and provide certain features of the dispute resolution management system (column 19, lines 43-47)

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- Provide users access with dispute management related information. Users can use electronically search the system using key words to find relevant information (column 19, lines 52-67)
- Provide users with contact information (e-mail) for mediators/arbitrators (column 5, lines 38-42)
- Provide on-line (documents only) or off-line mediation/arbitration (on-call) (column 5, lines 7-9). For online mediation/arbitration, all relevant documents can be transmitted electronically (column 5, lines 29-30, 39-40). For off-line mediation/arbitration, some of the relevant documents can be sent be transmitted, on-line; the rest of the transmission can be done via fax, phone or video (column 5, lines 31-33 & 41-43).
- Provide users with access to mediators/arbitrators, if users choose this particular option (column 17, line 36-40)
- Provide users with additional information regarding the mediator/arbitrator officers (column 20, lines 44-52)
- Receive dispute information from users (column 17, lines 5-7)
- Allow users to submit claim information (column 17, lines 5-7 & 44-50)
- Users can prioritize the viewing of their disputes, based on urgency level (column 18, lines 5-14)
- Provide dispute information to mediators/arbitrators (column 5, lines 24-31)
- Provide users with a preset period of time before the system logs them off (column 20, lines 65-66)
- Provide notifications to the arbitrators/mediators (column 17, lines 41-42)

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- Provide users with discussion area for dispute related discussions via chat rooms and bulletin boards (column 4, line 14)
- Provide users access to disputes that they have submitted (column 19, lines 43-44)
- Display all relevant information such as status or any recent activity (postings) of a dispute (column 22 lines 63-65)
- Receive information from users regarding opposing parties or parties that have a conflict of interest with the dispute (column 16, lines 47-50)
- Allow users to create profiles (column 4, lines 37-38). The data for a particular profile can be stored and retrieved by users (column 28, lines 31-37) for the purpose of dispute prevention. The data can also be used for dispute resolution (column 4, lines 55-58)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13-14, 72-73 and 131-132 are rejected under 35 U.S.C. 103(a) as being unpatentable over Israel et al. (US 6,766,307 B1), in view of Murray et al. (U.S 5,023,851).

As per claims 13-14, 72-73 and 131-132, Israel et al. discloses a dispute resolution management method/system that can:

- Receive dispute resolution management request from users (column 2, line 44)
- Provide the options/features of the dispute resolution management from users (column 3, lines 26-30)
- Manage the dispute resolution management techniques/process (column 5, lines 59-63)
- Receive indication of a selected neutral or third party i.e., mediator or arbitrator (column 19, lines 2-8)
- Allow third parties to facilitate the dispute management process (column 19, lines 16-17)

Israel et al. did not explicitly describe a method/system in which the availability and selection of third party mediators/arbitrators is based on an on-line calendar. However, Murray et al describes a method for presenting electronic calendar information in an interactive information handling system, which employs a calendar program for displaying events and time slots available for the next event (column 9, lines 6-10). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to construct a system that would utilize an on-line calendar for the availability of mediators/arbitrators. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement an on-line, in order to minimize scheduling conflicts.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evens Augustin whose telephone number is 571-272-6860. The examiner can normally be reached on 10am - 6pm M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammel can be reached on (571)272-6712.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 571-272-6584.

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Evens J. Augustin

November 27, 2006

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KAMBIZ ABDI
PRIMARY EXAMINER

